

## REMARKS

Claims 1-3, 5-7, 9, 14, 15, 18 and 19 are pending and under consideration.

Reconsideration is requested.

**Item 3: Rejection Of Claims 1-3, 5, 9, 13-15 and 18-19 Under 35 U.S.C. §103(a) As Being Unpatentable Over Shaffer et al. (6,748,426) In View Of Burton et al. (2002/0055878)**

The Examiner rejects independent claims 1, 9, 18, and 19 (and respective dependent claims) under 35 U.S.C. §103(a) as being unpatentable over Shaffer et al. (6,748,426 B1), in view of Burton et al. (2002/0055878 A1). The rejections are traversed.

As provided in MPEP §2143.03 "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F. 2d 1981, (CCPA 1974)."

Independent claims 1 and 9 respectively recite a network-based server device and a medium, using claim 1 as an example, "wherein each store's proximity to the designated address is determined by . . . first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match (emphasis added)."

Claim 18 recites a system including "each store's proximity to the designated address is determined by the processor by first checking for an exact zip code match between the respective plurality of stores and the designated address, second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and third checking for stores having a zip code within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match."

Claim 19 recites a process including "where each store's proximity to the designated address is determined by comparing for an exact zip code match between the respective plurality of stores and the designated address, a partial match of the first n digits of the designated address zip code and the respective plurality of stores, and a range match of stores having a zip code within a range of the first n digits of the designated address zip code in order until a match occurs."

The Action concedes that Shaffer does not teach the features of the invention involving identifying stores with product inventory using an exact match, a partial match and range match

for a zip code. However, the Examiner contends that Burton in paragraphs 220-223 teaches these features.

Applicants respectfully submit that although Burton does discuss converting geo-zones into zip codes and Burton may suggest a supplier location is associated with a user zone, where the zones may be defined using U.S. Postal Service Zip Codes, Burton does not teach the zip code matching features as recited in each of the independent claims of the present invention.

In particular, Burton does not teach, using claim 1 as an example, determining a proximity by:

1. "first checking for an exact zip code match between the respective plurality of stores and the designated address,
2. "second checking for a match of the first n digits of the designated address zip code and the respective plurality of stores if there was not an exact zip code match, and
3. "third checking for stores having a zip code within a range of the first n digits of the designated address zip code if there was not the exact zip code match and the first n digits of the zip codes did not match."

Further features recited by the dependent claims are not taught by the cited art, nor are the features addressed by the Examiner. For example, dependent claim 5 recites a device "wherein the processing unit sorts the transmitted product inventory information by store in order of proximity to the address designated by the customer."

Applicants submit that none of the cited art alone, or in combination, teach such a feature, nor has the Examiner provided a citation or arguments in support of the rejection of the same.

### **Summary**

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 1-3, 5, 9, 13-15 and 18-19 allowed.

### **Item 4: Rejection Of Claims 6 and 7 Under 35 U.S.C. §103(a) As Being Unpatentable Over Shaffer And Burton In View Of ServiceMerchandise.com (Business Wire Nov. 29, 1999)**

In item 4 the Examiner rejects claims 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over the Shaffer and Burton in view of ServiceMerchandise.com. The rejection is traversed.

The Examiner contends that ServiceMechandise.com teaches:

providing online customer with the ability to see whether an item is in stock at local stores and reserve the item for pick-up. . . . (and) it would have been obvious . . . to modify the linking information of the Shaffer and Burton . . . to

include the holding or reserving of items based on store locator as taught by ServiceMerchandise.com in order to facilitate an ease customer pick-up.

(Action at page 5).

Applicants submit that none of the cited even in an *arguendo* combination teach features recited by each of claims 6 and 7.

Claim 6 recites a device "wherein the processing unit adds identifying marks to the transmitted product inventory information so as to identify stores nearest the address designated by the customer. Claim 7 recites a device "wherein the server device adds to the store-based inventory information transmitted to the client device a screen that allows the customer to place a hold on an item."

Applicants submit that the cited art, even in combination, does not teach adding identifying "marks to the transmitted product inventory information so as to identify stores nearest the address. (emphasis added)."

Further, Applicant submits that the cited art, even in combination, does not teach such a screen that allows the customer to place a hold on an item.

#### **Summary**

Since *prima facie* obviousness is not established, the rejection should be withdrawn and claims 6 and 7 allowed.

#### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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